93-312

No. _____

Supreme Court, U.S.
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In the
Supreme Court of the United States
October Term, 1993

PEGGY L. STEVENS,

Petitioner,

v.

THE MINNESOTA STATE BOARD
OF BAR EXAMINERS,

Respondents.

PETITION FOR WRIT OF CERTIORARI
TO THE MINNESOTA SUPREME COURT

PETITION FOR WRIT OF CERTIORARI

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August 25, 1993

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QUESTIONS FOR APPEAL

1. Whether or not the Minnesota Board of Law Examiners Findings in 1988 and 1992 denying applicant admission to the Minnesota Bar gave adequate "notice" to Peitioner in accordance with due process required by the 14th Amendment?

2. Whether or not applicant was denied equal protection under the Constitution because her application procedure was subject to the discretion of the Board and not treated as other applicant's in a like position?

3. Whether or not a hearing to allow applicant an opportunity to confront adverse written materials or witnesses is required before the Board denies admission to an applicant?

4. Whether or not the Board must produce its witnesses to prove the facts on which they are relying to deny

admission to the Bar?

5. Whether or not the Americans with Disabilities Act of 1990 prohibits the Minnesota Board of Law Examiners from using past period of mental illness to deny her a licenses after presenting expert medical testimony on her present mental condition?

6. Whether or not filing bankruptcy is proof of bad moral character and prohibits admission to the Bar?

7. Whether or not applicant has been denied substantive due process guaranteed in the 14th Amendment?

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IN THE

SUPREME COURT OF THE UNITED STATES

Peggy L. Stevens,

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The Minnesota State Board of Bar Examiners,

Respondents.

PETITION FOR WRIT OF CERTIORARI TO THE MINNESOTA SUPREME COURT

Peggy L. Stevens, your Petitioner prays respectfully that a Writ of Certiorari, directed to the Minnesota Supreme Court be issued to review the final order of the Minnesota Supreme Court dated June 9, 1993 and April 20, 1993 affirming the denial of Petitioner to the Minnesota Bar.

The affirmance on April 20, 1993 and the Petition for Re-hearing was without

opinion.

JURISDICTION

The order denying the Petition for Rehearing in the Minnesota Supreme Court is dated June 9, 1993. The order denying applicant's admission to the Minnesota Bar is dated April 20, 1993. Due to an error at the Supreme Court, this order was mailed to an attorney who represented applicant four years prior to this matter. The Supreme Court took jurisdiction upon motion and considered the Petition for Rehearing. The statutory provision which confers jurisdiction for this Court to review the judgement in question is 28 U.S.C. Sec 1257 (a) (1988).

STATEMENT OF THE CASE

Peggy Lynn Stevens, herein after referred to as "applicant" or "Petitioner", graduated from William Mitchell College of Law on June 9, 1985. Petitioner first applied for admission to

the Minnesota Bar on April 10, 1985. In June, 1985, Petitioner withdrew her application for admission to the Minnesota Bar because she moved to Florida.

In June, 1986, Petitioner paid the fee and took the Florida Bar Exam in July and was notified that she passed the exam in October, 1986. On October 29, 1986, Petitioner filed an application for admission to the Florida Bar which takes at least six to eight months to process for each applicant. The character investigation was completed in October, 1987. An informal hearing was held on January 15, 1988 and Petitioner was promptly admitted to the Florida Bar.

Applicant moved back to Minnesota in May, 1987 and applied to take the Minnesota Bar Exam. Petitioner took the Minnesota Bar Examination in July, 1987 and was notified that she passed in

September, 1987.

On September 11, 1987, Petitioner met with Joseph Cade, Richard Kyle, President of the Minnesota Board of Law Examiners hereinafter referred to as the Minnesota "Board" and Margaret Corneille, Director to discuss Petitioner's application. No investigation had been started and Petitioner was neither advised of the issues nor prepared for this brief meeting before work.

The Board requested and Petitioner provided all documentation which may relate to the information in the application.

In October, 1987, applicant phoned Ms. Corneille and was told that the Board was waiting for the Florida Bar report before taking action on the application. The Florida Bar investigation was completed in October, 1987, but contents

of said report could not be released until after the investigatory hearing in Florida which was scheduled for January 15, 1988.

After admission to the Florida Bar, in February, 1988, applicant phoned Ms. Corneille and inquired as to her pending application in Minnesota. No further investigation had been done by the Board in Minnesota. Ms. Corneille did call the Florida Board of Bar Examiners and requested a copy of the Florida investigatory report. On February 12, 1988, Petitioner received a letter from Ms. Corneille stating that the application would be considered on March 25, 1988.

The Minnesota Board of Law Examiners did receive the Florida Investigatory report prior to the board meeting on March 25, 1988, but Petitioner was given no notice of the contents of said report nor any opportunity to speak. Note here that

the Florida Bar Admission process requires that an applicant not be denied admission to the bar until they have been given a hearing before the Board.[1] However, the Minnesota State Board of Bar Examiners used the contents of said report against applicant without notifying applicant of the information it contained. Said report contained only negative information.

On March 31, 1988, applicant received a letter from Ms. Corneille denying admission to the Minnesota Bar on moral character grounds. It stated that the denial was based upon the contents of the Florida report presented at the March 25, 1988 board meeting. On April 6, 1988, applicant requested a formal hearing

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[1] Applicant's to the Florida Bar are not allowed to know the contents of the Florida investigatory report. If Petitioner would have been denied admission to the Florida Bar on January 15, 1988, then she would have been given specifications to answer based upon any adverse information from the report. See Rules of the Supreme Court of Florida (1985) Article III, Section 3a, 3b, and 3c.

before the Minnesota Board for the meeting on May 20, 1988. However, the director indicated that applicant would not be allowed to present anything to the Board and that they chose to use a hearing examiner, i.e. a retired judge, "as soon as they could find one available." Applicant had to hire an attorney, Don Betzold, for the hearing.

Finally, in August, 1988, Petitioner's attorney Don Betzold, received notice that the hearing would be on September 8, 1988, but Petitioner had planned a wedding for September 9, 1988. The hearing was finally held on October 18, 1988. It was an adversarial hearing, not an investigative hearing as in Florida. On December 16, 1988, the Minnesota Board of Law Examiners approved the Findings of Fact and Conclusions of Law which were drafted prior to the

hearing by their counsel, Eric Magnuson, and signed by Judge Miles Zimmerman, the Hearing Examiner appointed by the Board.

On December 26, 1988, applicant was hospitalized for major depression at the University of Minnesota Hospital. In January, 1989, applicant received denial from the Board dated December 16, 1988.

In January, 1989, applicant appealed this decision to the Minnesota Supreme Court and was denied admission on appeal in August, 1989.

According to Rule VIII B[2], Minnesota Supreme Court Rules, applicant was allowed to apply again to the Minnesota Bar on March 31, 1991. Petitioner wished to re-apply for admission to the Minnesota Bar and sought help from Minnesota Mainstream,

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[2]Re-Application After Denial. After denial of petition by the court or expiration of the time allowed in Paragraph A, an applicant determined to not have satisfied Rule II A (2) may not re-apply for admission to practice in Minnesota three years following the Boards determination.

an organization formed to help professional persons with a mental illness. In April, 1991, Andrea Everett, of Minnesota Mainstream, phoned the Minnesota Board and was given general information about the application procedures to the Minnesota Bar and its requirements.[3]

On June 26, 1991, Bill Johnson, advocate of the Mental Health Association wrote a letter on applicant's behalf to the President of the Minnesota Board, Richard Kyle. On August 21, 1991, Ms. Corneille wrote a letter to Bill Johnson and advised that applicant prepare another

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[3]Later in April, 1991, Ms. Everett wrote a letter to Margaret Corneille inquiring specifically how she could aid in applicant's admission to the Bar. Andrea Everett is employed by Minnesota Mainstream which is funded both by the State of Minnesota and the Federal Government under the Department of Vocational and Rehabilitation Services. She works with a special program which is designed to employ individuals with a mental impairment who have an advanced degree. On May 22, 1991, Margaret Corneille wrote a letter to Ms. Andrea Everett stating that applicant could not re-apply until December 16, 1991 because that was the date of the final determination after the formal hearing, not the initial adverse determination by the Board on March 31, 1991.

application to the Minnesota Bar.

On August 24, 1991, Petitioner applied once again to the Minnesota Bar. In addition to the application, applicant requested an opportunity to speak to the Board informally to answer all questions concerning this matter without further expense to either party. Applicant repeated this request several times during the application process. Ms. Corneille told applicant that she had no right to this request, but it was only a right given to the Board.

On August 30, 1991, applicant received a letter from Margaret Corneille returning the application and the $600 money order stating that applicant was not eligible to reapply for admission until December 17, 1991, unless she requested a waiver of Rule VIII B.

On September 12, 1991, Dr. Thomas

Keul, applicant's treating physician, Bill Johnson of the Mental Health Association and Andrea Everett of Minnesota Mainstream wrote supporting letters for applicant's admission to the Minnesota Bar to be heard on September 13, 1991.

On September 18, 1991, applicant received a letter from Ms. Corneille stating that the waiver under Rule VIII B was not granted, but that the Board would accept applicant's interpretation of the Rule. On September 23, 1991, applicant sent a letter to Ms. Corneille and Mr. Kyle requesting the opportunity to speak with the Board informally to avoid further delay and expense.

In January, 1992 applicant received a letter dated December 30, 1991 and a letter dated December 31, 1991. The letter of December 31, 1991, signed by Ms. Corneille and was a response to

applicant's letter dated September 23, 1991. The other letter dated December 30, 1991, was from the Board asking for a certificate of good standing, a certified copy of the Florida application and a new photo to be submitted within a week or ten days. As a response to this letter, on January 24, 1992, applicant promptly produced everything requested from the Minnesota Board of Law Examiners.

On February 27, 1992, applicant received a letter from the Minnesota Board stating that the release for the National Conference of Bar Examiners was stale i.e. it was over six months old. Applicant phoned and was told that the investigation had not been started and was not ordered until a month after the denial of admission

On April 8, 1992, applicant received a letter from Ms. Corneille and the Board

stating that she was denied admission to the Minnesota Bar and could request a formal hearing. On April 14, 1992, applicant requested a hearing before the Minnesota Board and also requested specific reasons for her denial. On April 28, 1992, applicant received the letter stating that a pretrial conference was scheduled for May 4, 1992, at 12:00 p.m.

On May 4, 1992, applicant met with Ms. Corneille, Mr. Jasper, attorney for the Board and Mr. Kyle, President, concerning procedural issues and whether or not the hearing on May 14 would proceed due to the number of witnesses that would be called by applicant.

Applicant informed those present that she had many questions concerning the procedural issues in this case. For instance, applicant was interested in knowing why there was no action taken on

the application from September, 1991 to January, 1992.

It appeared as though the Minnesota Board of Law Examiners was arbitrarily holding the application until December when they interpreted that the time for re-application to be up even though the Board admitted that the time for re-application was up on March 31, 1991 according to the Rules VIII B. However, the application was held in abeyance until January, 1992. On May 4, 1992, when applicant inquired of the Board, Richard Kyle, as to the delay in the processing of my application, she was told **"so what if we lost your application for four months."** Mr. Kyle finally ordered a character investigation from the National Conference of Bar Examiners on May 4, 1992, which wasn't received until sometime August, 1992, <u>after</u> the hearing.

Applicant requested at the pre-hearing conference to know what misrepresentations the Board was alleging in her application to the Minnesota Bar. She was told that they were referring to the Findings of Fact and Conclusions of Law signed by Judge Miles Zimmerman as a result of the hearing on October 18, 1988 and approved by the Minnesota Board of Law Examiners on December 16, 1988.

It was no deception that the Findings of Fact and Conclusions of Law existed. The Director was present at the hearing on October 18, 1988. However, it never occurred to applicant to include the Findings of Fact on the application because the Board obviously authored them.

The hearing was held on June 19 and July 2, 1992.

The Board presented no witnesses and rejected applicant's request to examine

Ms. Corneille as to the Board's procedures.

Applicant testified at the hearing along with 12 other witnesses that applicant had the requisite moral character to be admitted to the Minnesota Bar.

Three attorneys, two psychologists, applicant's treating psychiatrist, two individuals who are on the Board of the Mental Health Association in addition to close friends and neighbors testified on applicant's behalf.

Affidavits attesting to applicant's moral character were submitted from Barbara Horvath, Deborah K. Oftelie, Vicki Badavinac, Theodore Fiskewold, James M. Doelle, Gary L. Kujawski, Mary L. Stevens, (not a relative), Jerome Berkowitz, Administrative Law Judge for Social Security Administration and Mary Kunz,

Supervisor at the Office of Hearings and Appeals. Some of the affiant's testified at the hearing.

The Board submitted the Florida Investigatory Report and all other written materials from 1987 through the present. Applicant objected to the use of Findings of Fact from the 1988 hearing because applicant was suffering from a severe bout of depression and could not successfully aid her counsel in preparing for the hearing. Applicant also objected to the use of the Florida Report.

The Board presented no witnesses to rebut applicant's prima facie showing of good present moral character and stability. The Board sent out character inquiry letters to four attorneys who had dealings with applicant. Two attorneys stated that applicant represented herself in a competent manner. One attorney said

he knew of no negative information on character and the other had no knowledge.

The Board received a character investigation from the National Conference of Bar Examiners which was added to the record after the hearing along with a report from a psychologist who had reviewed applicants medical records. The August, 1992 investigative report verifies that all information submitted in the 1991 application to the Minnesota Bar is correct.

Applicant received Findings, dated October 9, 1992 again denying application admission to the Bar.

On October 29, 1992, applicant submitted a Petition for Review of the Decision by the Board of Law Examiners. On December 1, 1992, applicant received a forwarding letter from Ms. Corneille sending the record to the Supreme Court.

On May 8, 1993, applicant received an order dated April 20, 1993 from the Supreme Court affirming the Board's decision. This order was addressed to Donald R. Betzold, applicant's attorney in the 1988 proceeding and had been mailed to him as the attorney even though applicant was pro se. When the order was returned to the court, it was then mailed to applicant.

On May 18, 1993, applicant appeared at the Clerk of Appellate Courts to file a Petition for Re-hearing. The Clerk's office would not accept the Petition without a Motion because the order was dated April 20, 1993 even though it had been addressed and mailed to her previous attorney. Applicant returned the following day with a Motion and Affidavit and the Petition for Re-hearing was accepted by the Supreme Court.

Applicant requested to view the Supreme court file to find if any other correspondence had been mailed to Donald Betzold and found that neither the file nor the Clerk's computer reflected that the Supreme Court had ever received the transcript of the hearing or any of the exhibits listed in the December 1, 1992 letter from Ms. Corneille. Applicant contacted the Clerk, Fred Grittner and Ms. Corneille to locate the record or find out if it was ever received or reviewed by the Supreme Court. Applicant received no response except a letter from the Board's attorney telling her not to contact the Board.

It was further discovered by applicant that the file number on the forwarding letter did not correspond to any Supreme Court file number.

On June 11, 1993, applicant received

an Order from the Supreme Court dated June 9, 1993 denying applicant's Petition for Re-hearing. It is from this Order that Applicant Petitions the U.S. Supreme Court for a Writ of Certiorari.

REASONS WHY THE WRIT OF CERTIORARI SHOULD BE ISSUED

The U.S. Constitution only becomes real when it is enforced by the Judiciary. Only the U.S. Supreme Court is in a position to do this. In Minnesota, it is the Board of Law Examiners cloaked as the judicial body who decides one's fate.

Applicant did not get a review from the Minnesota Supreme Court. Neither the Court nor the Board knew where the record for appeal disappeared to. As a taxpayer and U.S. Citizen, one would like to feel confident that someone in the judiciary read the transcript of the hearing. Otherwise, it is a moot point to have a

hearing or make a record for appeal.

Minnesota and Florida have very different views of what "due process" is as do many of the 50 states. The U.S. Constitution gives citizens basic equal rights in all states, not just a few. The U.S. Supreme Court is the only entity that can guarantee Minnesotans the same rights as Floridians.

Petitioner believes that the Minnesota Supreme Court **"has so far departed from the accepted and usual course of judicial proceedings, or sanctioned such a departure by a lower court, as to call for an exercise of this Court's power of supervision."** (Rule 10, Supreme Court Rules.) The Minnesota Board of Law Examiners is acting in the capacity of a judicial body in Minnesota. Their actions are sanctioned by the Minnesota Supreme Court. The Board is cloaked with

judicial immunity and their policies and procedures upheld as the law in Minnesota.

The issue of Bankruptcy, family law problems and mental illness are prevalent in this society. Applicant has had no new problems since to 1987, but the Minnesota Board of Law Examiners refuses to allow Petitioner to close this horrendous chapter of her life. Petitioner had to divorce to keep herself and her family safe and stable. Petitioner cannot force either their natural father or step-father to be financially responsible for the children. Any help received by Petitioner is voluntary. Petitioner and her children have no security in the future other than a license to practice law.

The whole purpose behind Petitioner struggling through the past 11 years, since beginning law school was the realization that she would never be able

to be independent and make her own financial decisions unless she had her own career. Now she is being punished for getting out of abusive, controlling relationships to make a better life for herself and her children.

Please take Judicial Notice that women after divorce end up raising and supporting the children in the majority of the cases. Women should be encouraged to be independent instead of punished.

"The right to follow a profession falls within the liberty and property concepts of the Constitution, and may not be denied without due process of law. Thus the State may not exclude a person from the practice of law for lack of good moral character unless the due process requirements of the 14th Amendment are met."

Good Moral Character and Admission to the Bar: A Constitutionally Invalid Standard? 48 Cincinnati Law Review 876, 879 (1979).

"Liberty is more specifically defined as the right of the individual to contract, to engage in any of the common occupations of life, to acquire useful knowledge, to marry, establish a home and bring up

children, to worship God according to the dictates of ones own conscience, and, generally, to enjoy those privileges long recognized ... as essential to the orderly pursuit of happiness by free men." Id. 879.

1. WHETHER OR NOT THE MINNESOTA BOARD OF LAW EXAMINERS FINDINGS IN 1988 AND 1992 DENYING APPLICANT ADMISSION TO THE MINNESOTA BAR GAVE ADEQUATE "NOTICE" TO PETITIONER IN ACCORDANCE WITH DUE PROCESS REQUIRED BY THE 14TH AMENDMENT?[4]

The Minnesota Board of Law Examiners hereinafter referred to as the "Board" made certain Findings of Fact in 1988 and 1992 denying applicant admission to the Bar. If a reasonable person reads these Findings, one would not know precisely what facts the Board is relying on to deny applicant admission. Applicant does not know how or what she could change to

[4]Amendment XIV Article 5, Section 1 (1868)
All persons born or naturalized in the United States, and subject to the jurisdiction thereof, are citizens of the United States and of the State wherein they reside. No State should make or enforce any law which shall abridge the privileges or immunities of citizens of the United States; nor shall any State deprive any person of life, liberty, or property, without due process of law; nor deny to any person within its jurisdiction the equal protection of the laws.

finally be admitted. The Board presented no witnesses to prove any facts or vague allegations. The Board has taken the position that all written hearsay materials are absolutely true as written and there is no other testimony that applicant could present to refute or mitigate the circumstances.

On March 31, 1988, applicant was notified that she was being denied admission to the Minnesota Bar citing the following character and fitness grounds:

1. "You have misused the judicial system by filing vexatious and frivolous lawsuits and motions."

2. "You have misrepresented facts to this Board, to courts, and to individuals with whom you have had financial dealings."

3. "You have established a pattern of financial irresponsibility which includes a failure to pay taxes, to pay consumer debts, to pay student loans."

(as taken from the October 9, 1992 Findings).

These items are Conclusions of Law, not Findings of Fact.

As to Number 1, it does not state what lawsuits and motions were vexatious and frivolous or why. Applicant was a defendant in joint marital debt lawsuits although applicant herself had no income, but signed as a spouse. Applicant does not know if they mean that being a defendant or making a counterclaim in one case would make one vexatious. The Board has made no attempt to find facts on the merits.

The other alternative is that applicant was involved in a custody battle beginning in 1979, was awarded legal custody in 1982. But applicant was denied the right to take her child to California to attend law school which eventually led to a 42 U.S.C. Sec. 1983 lawsuit. Judge MacLaughlin said it was vexatious and

awarded attorneys fees under Rule 11, FRCP Applicant didn't see Nathan for 8 years.

If this was vexatious, it is one lawsuit arising from an emotionally charged custody battle.[5] Applicant was represented by legal counsel through the custody trial and none of the attorneys were ever disciplined or even spoken to by any Judge.

So which motions, which lawsuits were a misuse of the judicial system and why?[6] Was it 1, 2 or how many? Applicant has a right to "notice", facts, not hearsay or speculation.

The 1st Amendment states that U.S.

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[5]Applicant has a child, Nathan, age 17, subject of the custody proceedings whom she helps support voluntarily and two children from the second marriage who reside with her and are financially dependent only on her. If Petitioner used legal means to enforce any child support obligations, it would be considered vexatious and Petitioner won't waste the time.

[6]Amendment I, Article 5 (1791)
Congress shall make no law respecting an establishment of religion or prohibiting the free exercise thereof; or abridging the freedom of speech, or of the press; or the right of the people to peaceably assemble, and to petition the Government for redress of grievances.

Citizens have the right "to petition the government for redress of grievances."

Petitioner was ordered by the Court to leave her child in Minnesota while she went to California to law school. Said order was based solely on her leaving the state. Petitioner understood that the 14th Amendment prohibited penalizing a U.S. citizen for exercising their "right to travel". Shapiro v. Thompson, 394 U.S. 618, 89 S.Ct 1322 (1969). But in Minnesota, asserting such a right is "vexatious" and an act to be punished by awarding attorney's fees and preventing applicant from being admitted to the Minnesota Bar, or seeing her child.

The First Amendment absolutely prohibits a State from penalizing a man because of his beliefs, Law Students Research Council at 174 citing American Communications Assn. v. Douds, 339 U.S.

382, 445 (1950).

It is ironic that the 1st Amendment is used to defend a citizens right not to believe in the Constitution whereas Petitioner has spent years of her life trying to prove her belief in the U.S. Constitution and that these rights should be upheld.

As to Number 2, applicant has no idea what misrepresented facts the Board is referring to. The information submitted to both Florida and Minnesota was the same. Applicant does not know what financial dealings they are referring to or when they occurred. For the most part applicant was a student and housewife throughout the first two marriages. Applicant never had control over any finances in which to deal, although she signed as a spouse.

As to Number 3, there is no law in

Minnesota which requires a husband to share his money. Applicant presented a battered woman's expert psychologist to educate the Board on the lack of control applicant had over her life during those years. Applicant knew about most of her spouses financial dealings but had no control. It was an effort to survive on a day to day basis in that type of relationship.

The Minnesota Department of Revenue released applicant from the joint tax returns. The Internal Revenue Service never sent a letter or contacted applicant regarding said taxes because her income supporting two children did not justify collection. Finally, applicant was released as to the 1983 taxes which was the largest amount as an innocent spouse. Applicant discharged the remaining 1984, 1985 taxes in bankruptcy although she did

not know they were dischargeable at the time of filing.

The applicant paid in full two of her student loans taken out to finance law school in California.

Minnesota's now defunct corporation HEAF, defaulted applicant even though she applied for a deferment without notice of approval or not. Applicant made substantial payments on the HEAF[7] loan until filing bankruptcy in 1991. California renegotiated said loans to allow payments within applicant's financial resources while HEAF was non-negotiable. The Board refuses to tell applicant what she could have done when faced with these problems to show "good moral character."

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[7] HEAF, Higher Education Assistance Foundation acts as a lender or administers student loans by a bank but guaranteed by the Federal Government. They decide who gets a deferment or who is defaulted and what payments are required and when.

Petitioner could point out further how vague and unsupported the allegations of the Board are, but will save it for the Brief if the Petition for a Writ of Certiorari is granted.

It is a well accepted principal among the State Supreme Courts as well as the U.S. Supreme Court that the U.S. Constitution, Amendment 14, requires that an applicant for a license to practice law in any state is entitled to a concise statement of the charges against him or her. Appeal of Icardi 260 A.2d. 782 (1979) at 784. In the Matter of Moore 272 S.E.2d 826 (1981) at 829. In Matter of Rogers 253 S.E.2d 912 (1979) at 918.

The U.S. Supreme Court spoke on this particular issue in Willner v. The Committee on Character and Fitness, et al. 373 U.S. 96, 83 S.Ct. 1175 (1963). In Willner, the U.S. Supreme Court set forth

the requirements of due process in Bar admission cases. The Court held that the requirements of procedural due process must be met before a State can exclude a person from practicing law. One of the requirements is the right to a hearing on the charges filed against him and that a

"full hearing requires that the applicant be fairly advised of what the government proposes and to be heard upon its proposals before it issues its final command." Id. at 105 citing Morgan v. United States, 304 U.S. 1, 18-19.

2. WHETHER OR NOT APPLICANT WAS DENIED EQUAL PROTECTION UNDER THE 14TH AMENDMENT OF THE CONSTITUTION BECAUSE HER APPLICATION PROCEDURE WAS SUBJECT TO THE DISCRETION OF THE BOARD AND NOT TREATED AS OTHER APPLICANT'S IN A LIKE POSITION?

Petitioner contends that she was deprived of equal protection of the law in that Rule 104 of the Rules of the Minnesota Supreme Court and State Board of Law Examiners provides for:

"in person interviews with an applicant to clarify information in the application, to determine eligibility for admission, to review study plans, or to facilitate the background investigation."

Applicant was never afforded an opportunity to discuss and clarify the information on which the Board was relying on for denial of admission to the Bar, even though it was requested on repeated occasions. Applicant wanted to speak with the Board informally to find out exactly what she did or what she could do to be admitted to the Minnesota Bar, but the Board would not let applicant speak to anyone to find out what course of action would be appropriate in the circumstances. In addition, there was no background investigation until after the hearing provided by the Board. Therefore, it appears that Petitioner was treated unlike other applicants in that the Board presumed the Petitioner's application

would be rejected even before a background investigation or any interviews were conducted. Ordinarily, one would assume that all applications would be processed in a like and routine manner without regard to who they are or any prejudices.

On May 4, 1992, at the pre-hearing conference, Applicant Stevens asked why no character investigation was started even though there had been an adverse determination on April 8, 1992. The director stated that "the application (Stevens) had accidently gotten mixed in with the other applications."

Rule 104 in itself is discriminatory in that it allows the Board to pick and choose who they wish to interview and if they will order a character investigation or do an investigation on their own. That Petitioner requested of the President, Mr.

Kyle that she be allowed to have an informal interview. His reply was "not for you".

Applicant has set forth the Rules of the Florida Supreme Court in determining an applicant's character and fitness to practice law to illustrate that Florida by it's own Rules treats all applicants alike in accordance with the 14th Amendment.[8]

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[8]Article III, B Sections 3a and 3b (1985). Rules of the Florida Supreme Court. Prior to recommending an applicant for admission to practice the profession of law in Florida, the Florida Board of Bar Examiners shall conduct an investigation and otherwise inquire into and determine the character, fitness, and general qualifications of every applicant. In every such investigation and inquiry, the Board may obtain such character, fitness, and general qualifications of the applicant and take and hear testimony, affirmations, and compel, by subpoena, the attendance of witnesses and the production of books, papers, and documents. Any member of the Board may administer such oaths and affirmations. Such investigations and inquiries shall be informal, but they shall be thorough, with the object of ascertaining the truth. Technical rules of evidence need not be observed. Any investigative hearing for such purpose may be held by a division of the Board consisting of not less than three members of the Board. Each division shall record its proceedings and shall report its decisions to the full Board.

Following an investigative hearing, the Board may find that an applicant has established his or her qualifications as to character and fitness or that further investigation into an applicant's character and fitness is warranted or that Specifications be filed charging an applicant with matters which if proven would preclude a favorable finding by the Board. If Specifications are prepared and served upon an applicant, the applicant shall file an answer to the Specifications within 20 days from receipt of the Specifications. If an applicant fails to file an answer to the Specifications within such time or within any extension of that time allowed by the Board shall enter findings of fact, finding the Specifications proven, and appropriate conclusions of law, which may include a recommendation that the

Applicant also experienced the Florida Bar Admission process. Every applicant is subject to the same character investigation, usually taking the same amount of time and the same hearings with a minimum of Board members hearing each case.

In Minnesota, the Board by it's own rules as set forth herein can arbitrarily decide which applicants to investigate, which ones should have an interview, informal hearing or formal hearing and how many they shall have. The Minnesota Board can also decide whether or not they should spend their money on hiring the best law firm in Minneapolis to represent them or if the Director will handle the case. Obviously, there is an inherent inequity if the Board hires the best legal counsel

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applicant not be admitted to the Florida Bar.

available against an applicant who can barely afford to pay the expenses associated with the proceeding without undue hardship.

The Board in Minnesota chose to not act on Petitioner's application for many months and the President of the Board, Mr. Kyle, says **"So what if we lost your application?"**. (Quote, May 4, 1992)

While applicant received correspondence from the Florida Board on almost a weekly basis for a year until the investigation was complete. The reason the investigation took so long in Florida is because applicant had returned to Minnesota, was working full-time and taking care of two small children and didn't' always have time to gather the requested information promptly.

The Florida Bar Rules specifically state that the object of the

investigations and hearings is to find the truth. The Minnesota Board seeks to punish an attitude. The attitude they are seeking to punish is the belief that bar applicants along with other people have rights guaranteed by the U.S. Constitution. It is well-settled law in the United States that the power to regulate the practice of law belongs to each state subject to the safeguards to each citizen by the U.S. Constitution. The U.S. Supreme Court goes beyond the issue in Ex parte In the Matter of David A. Secombe, 15 L.Ed.565, 60 U.S., 9 (1857) to warn The Minnesota Supreme Court that:

> "this power however, is not an arbitrary and despotic one to be exercised at the pleasure of the Court or from passion, prejudice or personal hostility; but it is the duty of the Court to exercise and regulate by sound judicial discretion, and whereby the rights and independence of the Bar may be scrupulously guarded and maintained by the

Courts as the rights and dignity of the Court itself" Id. 15 L.Ed. at 566.

When applicant pointed out these issues to the Board in her pre-hearing memorandum; the Board's counsel, Eric Magnuson's, reply was "**that the Board was not on trial here.**"

For example, In Re Application of Milton Welsh Schober For Admission to Practice Law in the State of Minnesota, 445 N.W.2d 553 (Minn. 1989).

Mr. Schober applied to the Minnesota Bar on June 8, 1988, at which time Applicant Stevens' application was still pending from May, 1987. Mr. Schober was given an informal hearing on August 25, 1988. In other words, Mr. Schober applied more than one year after applicant and still received an informal hearing before applicant received her formal hearing on October 18, 1988. Additionally, it is more advantageous for an applicant to be

allowed an informal hearing rather than an adversary proceeding.

In Re: Petition of John A. Zbiegien, 433 N.W.2d 871 (Minn. 1988) for review of the State Board of Law Examiners Decision. Mr. Zbiegien spoke with Joseph Cade, Richard Kyle and Margaret Corneille on the same day, September 11, 1987, as Applicant Stevens. However, Mr. Zbiegien was afforded a formal hearing on November 20, 1987, while Applicant Stevens received a formal hearing about a year later.

The Minnesota Supreme Court Rules state that "the investigation conducted by the Minnesota Board of Law Examiners shall be thorough in every respect and shall be concluded expeditiously." Obviously this is not applied equally to all applicants. It certainly seems that due process is quicker for men. Applicant has a family to support too.

3. WHETHER OR NOT A HEARING TO ALLOW APPLICANT AN OPPORTUNITY TO CONFRONT ADVERSE WRITTEN MATERIALS OR WITNESSES IS REQUIRED BEFORE THE BOARD DENIES ADMISSION TO AN APPLICANT?

AND

4. WHETHER OR NOT THE BOARD MUST PRODUCE ITS WITNESSES TO PROVE THE FACTS ON WHICH THEY ARE RELYING TO DENY ADMISSION TO THE BAR?

One of the most noted cases on this issue is Rudolph Schware, Petitioner, vs. Board of Bar Examiners of the State of New Mexico, 353 U.S. 232 (1957). Here the issue was actually presented to the United States Supreme Court on whether or not Rudolph Schware was in fact denied due process by refusing him the right to qualify for the practice of law under the good moral character standard.

Rudolph Schware was or had been a member of the communist party, had several arrests and had used aliases to obtain

work and was associated with several subversive organizations. Id at 234. The Board of Bar Examiners said that the State of New Mexico had received confidential information that Schware had once been a member of the communist party. The Board refused to let petitioner see the confidential information against him prior to its initial denial of his application on which such information was used.

Schware appealed the denial of the Board after his formal hearing to the New Mexico Supreme Court where said denial was upheld. The United States Supreme Court granted Certiorari. The U.S. Supreme Court stated that Schware was not given due process because he was denied based on information which he had not seen.

It is Petitioner's contention that the procedural due process requirement of the 14th Amendment, U.S. Constitution was

not met in this case because even though a hearing was held on Petitioner's two (2) applications (1987 and 1991). In both instances, the Minnesota Board of Law Examiners denied Petitioner's application for admission before any hearing or opportunity to speak or explain any of the circumstances. In Minnesota, you are entitled to a hearing only if you request it in writing after the denial (Minnesota Supreme Court Rule 104).

The Minnesota Board of Law Examiners, after the May, 1987 application did not do any investigation. The Board waited until the Florida Board of Law Examiners completed its character investigation, held its investigative hearing and admitted Petitioner to the Florida Bar. Petitioner had never seen the Florida investigatory report because it was confidential and it was used in

conjunction with a hearing to afford applicant's an opportunity to answers questions and add any other additional information.

The Minnesota Board obtained the report without showing it to Petitioner or affording Petitioner an opportunity to explain any contents of the report or confront witnesses and promptly denied Petitioner admission to the Minnesota Bar.

(See the Rules of the Supreme Court of Florida, (1985) Article III, B Section 3 a,b,c.)

The Florida investigatory was never intended to be used as evidence against an applicant. It is an investigative tool used to conduct questioning at an informal hearing.

This report has been introduced into evidence in Minnesota in 1988 and 1992 even though it is opinions and hearsay of people not subject to cross-examination.

The investigator has inserted her opinions and comments as to her view of the information. This is not evidence of facts, these are opinions.

The Florida Investigatory report was a cut and paste method by which the investigator selected only certain information to include in the report. Any positive information about applicant was not included because it did not pertain to information on which the hearing would be held. Admission to the Bar should be decided on the record as a whole, yet Minnesota used the report as their whole record.

Petitioner respectfully submits that the 14th Amendment as interpreted by the U.S. Supreme Court requires that witnesses, authors of said information need to be produced by the Board and made available for cross-examination.

Again in 1991, the Minnesota Board repeated the same procedure. Petitioner's application was submitted in August, 1991. No action was started until January, 1992. A denial of admission was received April 8, 1992. Again Petitioner requested a hearing after said denial. A pre-hearing conference held May 4, 1992 revealed that no investigation had been initiated by the Minnesota Board except four inquiry letters to attorneys.

The hearing was held on June 19 and July 2, 1992. The President, Mr. Kyle, had decided on May 4 to order an investigation by the National Conference of Bar Examiners. This investigatory report was submitted and made part of the record <u>after</u> the hearing. The Board also retained a psychiatric opinion based upon Petitioner's medical records for treatment of depression, but the doctor was not

brought to the hearing for confrontation nor had she ever spoken to Petitioner. The psychiatric report was also made part of the record over objection.

The U.S. Supreme Court in Willner v. Committee on Character and Fitness, 373 U.S. 96, 835 S.Ct. 1175, (1963) held that the requirements of procedural due process must be met before a state can exclude a person from practicing law. One of the requirements is the right to a hearing on the charges filed against him and that a

"full hearing requires that the applicant be fairly advised of what the government proposes and to be heard upon its proposals **before** it issues its final command." Id. at 1180.

Numerous State Supreme Courts have followed the Constitutional principles adhered to in the Willner case.

"Many states have afforded the rights of confrontation and cross-examination in proceedings to determine one's fitness to practice law. Application of Dinan 244 A.2d 608 (1968) at 610 citing e. g.,

Application of Levine 97 Ariz. 88, 91, 92, 397 P.2d. 205; Moity v. Louisiana State Bar Ass'n, 239 La. 1081, 1092, 121 So.2d 87; Ex Parte Kellar, 81 Nev. 240, 243, 401 P.2d 616; Matter of Weiss, 20 N.Y.2d 696, 697, 282 N.Y.S.2d 763, 229 N.E.2d 443; Re: Application of Crum, 103 Or. 296, 301, 204 P. 948; In Re Monaghan, 126 Vt. 53, 56, 222 A.2d 665."

"When the standing committee submits its report and recommendation to the Court, the Court must determine whether the committee acted after a fair investigation and hearing and whether it exercised its discretion reasonably and without prejudice." Dinan at 610.

Applicant was denied the opportunity to examine the Director of the Minnesota Board of Law Examiners regarding their procedure and information on which they were relying.

The Nevada Supreme Court in the application of Kellar, 401 P. 2d 616 at 617 stated that

"confidential reports may be properly used to apprise of but should not be used in the trial of issues as to character."

In Kellar the Supreme Court of Nevada followed the Willner principle set forth

by the U.S. Supreme Court and held that an applicant has a right to confront and cross-examine witnesses against him and that the Board may not rely on written materials. The Icardi case, supra at 784 has also followed the Willner case in stating that:

> "We have emphasized in recent years that procedural due process often requires confrontation and cross-examination of those whose word deprives the person of livelihood."

Citing Willner v. Committee on Character and Fitness 373 U.S. 96, 83 S.Ct. 1175 (1963) at 1180. The committees in both Willner and Icardi relied on ex parte statements and documents gathered in their investigations. An applicant is, according to Willner, deprived of procedural due process guaranteed by Amendment 14, U.S. Constitution when they are not allowed the opportunity of confronting and cross-examining the

authors or makers of various statements relied on by the Board for denying an applicant admission to the Bar. Id. at 784.

5. WHETHER OR NOT THE AMERICANS WITH DISABILITIES ACT OF 1990 PROHIBITS THE MINNESOTA BOARD OF LAW EXAMINERS FROM USING A PAST PERIOD OF MENTAL ILLNESS TO DENY HER A LICENSE AFTER PRESENTING EXPERT MEDICAL TESTIMONY ON HER PRESENT MENTAL CONDITION?

> Section 102 of the Americans with Disabilities Act, Discrimination 42 U.S.C. 12112 (1990).
>
> a. General Rule.- No covered entity shall discriminate against a qualified individual with a disability because of the disability of such individual in regard to job application procedures, the hiring, advancement, or discharge of employees, employee compensation, job training and other terms, conditions, and privileges of employment.

The American Disabilities Act is new legislation passed in 1990 designed to afford protection for those with physical or mental disabilities in a variety of ways.

The issue here is that the act prohibits discrimination based on having a mental illness, but does it allow the covered entities to use a severe period of mental illness in which the affected has lost control of their lives to keep them from pursuing their chosen profession?

The Board has been advised by treating psychiatrists at the University of Minnesota that applicant has had a propensity toward major depression since at least 1976 and continually cycled in and out of major episodes of depression until 1988 when applicant has been continually monitored by mental health professionals.

Even though this is well documented through family history and applicant's attempt to get professional help in 1977, the Board views it as though applicant caused the depression.

The Supreme Court of Nevada admitted Melvin Schaengold to the Bar with a history of mental illness which had caused problems in his life stating that:

"A mental or emotional disturbance requiring treatment is not an uncommon experience for many successful business and professional people. We fear that a grave injustice may result if we were to approve the Board's recommendation." Petition of Schaengold 422 P.2d 686 (1967) at 688.

6. WHETHER OR NOT FILING BANKRUPTCY IS PROOF OF BAD MORAL CHARACTER AND PROHIBITS ADMISSION TO THE BAR?

The U.S. Supreme Court should decide this issue or set forth some permissible guidelines to avoid further conflicts between the states and within the states in Bar Admission cases. There seems to be in presumption in Minnesota that bankruptcy forecloses admission to the Bar.

The Minnesota Supreme Court addressed this issue in 1979, In Re: the

Application of William W. Gahan 279 N.W. 2d 826 (1979). Justice Todd who wrote the opinion for the Court does not acknowledge that the Supremacy clause of the U.S. Constitution which forbids the denial of admission to a state bar based on bankruptcy itself. Id. at 829.[9] However, Applicant Gahan did not have any financial problems other than his student loans. Other creditors were paid by him. It obviously appeared to the Board and to the Supreme Court that his only reason for filing bankruptcy was to discharge his student loans. The Board of Law Examiners found:

"... procuring discharge of this indebtedness (and no other) with so little effort to repay or extend the same and

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[9] U.S. Constitutional Article VI, clause 2.

This Constitution, and the laws of the United States which shall be make in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the Supreme Law of the Land; and the Judges in every State shall be bound thereby, any thing in the Constitution or Laws of any State to the Contrary notwithstanding.

with only temporary loss of employment, no exceptional financial or health problems and no major misfortunes, while neither illegal or constituting action invincing moral turpitude, none the less it is conduct which will cause a reasonable men to have substantial doubt concerning applicant's honesty, fairness and respect for the rights of others and for the laws of this state and the nation amounting thereby to a lack of good moral character having a rationale connection with applicant's fitness or capacity to practice law." Id. at 829.

The Minnesota Supreme Court affirmed stating that Gahan filed bankruptcy solely for the purpose of discharging student loans. Id. at 830. The Court further warns that this decision should not be misconstrued to hold that bankruptcy forecloses admission to the Bar. Id. at 830. But nonetheless, this case has had a chilling effect on Minnesota Bar Applicants.

Applicant Gahan had too little indebtedness and Applicant Stevens had too much. What amount would be just right.

The Supreme Court of Florida analyzed two cases on bar admission in arriving at opposite conclusions. Florida Board of Law Examiners Re: G.W.L. 364 So. 2d 454, (Fla. 1978) and Florida Board of Law Examiners in Re: Groot, 365 So. 2d 164 (Fla. 1978). These two Florida cases are distinguished on the surrounding circumstances of each situation. Basically the Court's are looking at whether or not the applicant reasonably had any other choices and what or who these choices involved.

The Florida Supreme Court concluded that G.W.L's conduct was morally reprehensible. Id. at 459. But that of Groot was justifiable. Id. at 166-168. The opposite conclusions on the same issue were based upon the fact the G.W.L. did not file bankruptcy to overcome any insurmountable financial difficulties, but

rather to defeat creditors financing his education. The bankruptcy petition was filed almost a year before the first installment came due. Id. at 459.

In contrast, the Florida Supreme Court found that Groot's bankruptcy, also discharging student loans, did not indicate bad moral character because the Court found that bankruptcy reasonable because Groot had two children to support and had just gotten divorced. It was felt that he needed his present income to pay his present financial responsibilities, not past financial responsibilities. Id. at 168.

The State Supreme Courts of Oregon and Maryland have denied admission where an applicant has filed bankruptcy. In the Application of Charles M., 545 A.2d 7 (Md. 1988), In the Application of Taylor, Or. 647 P.2d 462 (1982). Both of these cases

contain elements of fraud or criminal conduct. Taylor, at 463, 464. Charles M., at 8.

Applicant can understand that Bankruptcy cases containing fraud or criminal conduct would have a rational relationship to moral turpitude. But a routine bankruptcy should be protected by the Supremacy Clause herein.

11 U.S.C. Sec. 545 (Supp. III., 1979) states as follows:

". . . a governmental unit may not deny, revoke, or refuse to renew a license to a person that has been a debtor under this title or a bankrupt."

Applicant Stevens divorced in 1987 having two small children ages one and three to support. She arrived in Minnesota from Florida in May, 1987 with a minimum amount of money, no job and thousands of dollars worth of marital debts and taxes from her prior marriages

in which she was not a wage earner. Applicant Stevens paid in full two of her student loans and paid substantial amounts on the other before the discharge in bankruptcy. Applicant also paid other consumer debt from the marriage ie. the debts that were within her financial capabilities.

Her ex-husband promised he would resolve the debt issues and there would be no need to file bankruptcy. After years of the debts not being paid, applicant was finally forced to file bankruptcy in 1991. Applicant Stevens could not possibly have met her present expenses plus attorney fees in 1988 for denial of admission to the Minnesota Bar.

Applicant Stevens has suffered from depression and incurred thousands of dollars in medical bills. Medication alone is approximately $200 per month. In

addition, applicant's son, Bobby, age seven, has had an extraordinary amount of medical bills due to ADHD[10] and characteristics of autism. These two children do not have a father who is going to contribute towards the children's expenses. No medical insurance is provided by their father.

Bankruptcy should not be considered to be evidence of bad moral character in this situation. Should applicant be punished for paying taxes for the past seven years instead of being supported by the taxpayers when she has been denied a license to practice law in her chosen profession in her home state?

If Petitioner's situation does not create any undue hardship, would the court

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[10] ADHD, Attention Deficit Hyperactivity Disorder requires Bobby to take Ritalin and be constantly monitored by a physician as well as mental health professionals to aid him in leading a normal life.

please define a situation that would qualify to be a guide to other applicants anticipating the bar admission process.

WHETHER OR NOT APPLICANT HAS BEEN DENIED SUBSTANTIVE DUE PROCESS GUARANTEED IN THE 14TH AMENDMENT?

Arguendo, the Board could have reasonably have found that applicant made mistakes during the period of her marriages prior to 1987, applicant could have served her time in debtors prison or jail for the vexatious people and been over with the punishment.

Given the circumstances set forth in this Petition, applicant's struggle through abusive marriages, maintaining a stable home for her children without aid and battling mental illness, throughout a period when the Board won't give applicant a chance, has been quite a struggle for the freedom which applicant was supposedly born with.

The argument was similar in the Schware case, 353 U.S. 232 (1957) where applicant had a past connection with the Communist Party, had been arrested four times and had used aliases. These events even if they had some bearing on moral character were in the remote past, thus denying applicant substantive due process.

REHABILITATION

Applicant presented medical testimony from her treating physician that the depression was under control and all that she had done to resolve the debt problems and take back control of her life. But the Board seemed more concerned that applicant was not repentant about the custody of her child. Petitioner is a mother before a bar applicant or lawyer. The Board never suggests what applicant should have done.

Applicant's repentance is not a

necessary prerequisite for admission to the Bar. In Re: Hiss, Mass. 333 N.E.2d 429 (1975) at 436.

"Our whole constitutional heritage rebels at the thought of giving government the power to control men's minds." Stanley v. Georgia 394 U.S. 557 (1969) at 565.

CONCLUSION

According to the Minnesota Board of Law Examiners, these issues and their rules are black and white. They decide what "due process" should be afforded to each applicant depending on who they are. Some need to be investigated, some don't, and some just a little. They decide who gets what type of hearing and when as well as who, will hear it and what kind of budget is spent to each case.

Mr. Justice Black and Mr. Justice Douglas state in their dissenting opinion:

". . . that the right of a lawyer or Bar applicant to practice his profession is often more valuable to him than his home,

however expensive that home may be. Therefore, I think that when a state seeks to deny an applicant admission or to disbar a lawyer, it must proceed according to the most exacting demands of due process of law."

"This must mean at least that the right of a lawyer or bar applicant to practice cannot be left at the mercies of his prospective or present competitors. When it seeks to deprive a person of the right to practice law, a State must accord him the same rights as when it seeks to deprive him of any other property." Law Students Civil Rights Research Council, Inc. et al. v. Wadmond et al. 401 U.S. 153 (1971) at 174. (Dissenting Opinion)

The writ of Certiorari to the Minnesota Supreme Court should be granted.

Respectfully submitted,

Peggy L. Stevens, Pro se
501 Robert Court
Mahtomedi, Minnesota 55115

August 25, 1993

APPENDIX

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MINNESOTA STATE BOARD OF LAW EXAMINERS

In Re:

Application of
PEGGY LYNN STEVENS,
Applicant.

FINDINGS OF FACT, CONCLUSIONS OF LAW, AND DETERMINATION

This matter came on for hearing before the Minnesota State Board of Law Examiners (hereinafter "Board") on June 19 and July 2, 1992. Jonathan N. Jasper, Esq., appeared on behalf of the Minnesota State Board of Law Examiners. Applicant Peggy Lynn Stevens (hereinafter "Stevens" or "Applicant") appeared on her own behalf, after being advised of her right to be represented by counsel.

Ms. Stevens originally applied for admission to the Bar of Minnesota by filing an application with the office of the Board of Law Examiners on June 1, 1987. The office of the Board of Law Examiners issued an adverse determination

in response to this application, setting forth three reasons for denial of the application on character and fitness grounds: Ms. Stevens[1] had been party to vexatious litigation, had made misrepresentations to the Board, courts, and others, and had failed to pay debts.

Ms. Stevens appealed and a formal hearing was held before a hearing examiner, the Honorable Miles Zimmerman, on October 18, 1988. On November 3, 1988, Judge Zimmerman issued his Findings of Fact, Conclusions of Law, and Recommendation in which he found that Ms. Stevens had failed to show that she had the character and fitness to practice law in Minnesota. The Board adopted Judge Zimmerman's Findings and Recommendation.

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[1]Ms. Stevens was known as Peggy L. Tieso and later Peggy L. Myrum when she made application to the Bar in 1987.

Ms. Stevens filed a Petition for Review at the Minnesota Supreme Court. The appeal was denied by Order dated August 16, 1989. She then filed a petition for reconsideration which the Court denied.

Ms. Stevens reapplied for admission to the Minnesota Bar on September 23, 1991. She also sought waiver of the Board's requirement that she retake and pass the Minnesota Bar Examination. On April 8, 1992, the office of the Board of Law Examiners again issued an adverse determination denying her application on the grounds that she had not provided evidence of reform and rehabilitation with respect to the matters contained in Judge Zimmerman's 1988 findings.

Ms. Stevens requested a hearing on both the Board's adverse determination on character and fitness grounds, and the Board's requirement that she retake the

bar exam.

Based upon the memoranda submitted by the parties, the evidence and witnesses introduced at the hearing, the arguments of counsel, and all of the records and proceedings herein, the Board makes the following:

FINDINGS OF FACT

1. Peggy Lynn Stevens was born on April 26, 1955 and is 37 years of age. She earned a Bachelor degree from the University of Minnesota in 1976. She attended law school at California Western School of law from 1982 to 1985. She graduated from William Mitchell with a juris doctor degree on June 9, 1985. She applied for admission to the Minnesota Bar in 1985, but later withdrew her application.

2. Ms. Stevens applied for admission to the Florida Bar in 1986, took and

passed the Florida Bar Exam, and was admitted to the Florida Bar in January, 1988.

3. Ms. Stevens submitted a second application for admission to the Minnesota Bar in 1987, and took and passed the Minnesota Bar Exam. By letter dated March 31, 1988, the Minnesota Board of Law Examiners issued an adverse determination in response to her application citing the following character and fitness grounds:

> 1. You have misused the judicial system by filing vexatious and frivolous lawsuits and motions.
>
> 2. You have misrepresented facts to this Board, to courts, and to individuals with whom you have had financial dealings.
>
> 3. You have established a pattern of financial irresponsibility which includes a failure to pay taxes, to pay consumer debt, to pay student loans."

4. In response to Ms. Stevens' request, a formal hearing on the adverse

determination was held on October 18, 1988 before the Honorable Miles Zimmerman, a duly appointed hearing examiner.

5. Ms. Stevens, who was represented by counsel during the 1988 proceedings, appeared, testified at length, and called witnesses on her behalf.

6. On November 3, 1988, Judge Zimmerman issued written Findings of Fact, Conclusions of Law and Recommendation denying Ms. Stevens' application concluding that she had failed to show that she had the character and fitness to practice law in Minnesota. In his Findings, which are attached hereto and incorporated herein, Judge Zimmerman found that Ms. Stevens had misrepresented facts to the Board of Law Examiners regarding debts and litigation to which she was a party. It was also found that Ms. Stevens had been criticized and sanctioned by

Courts for pursuing unnecessary and frivolous motions and lawsuits, and for ignoring court orders to pay attorneys' fees. It was further found that Ms. Stevens had neglected financial responsibilities and failed to provide the Board with evidence of rehabilitation. These Findings were subsequently adopted by the Board and served upon Ms. Stevens.

7. On January 26, 1989, Ms. Stevens filed a petition for review of the Board's decision in the Minnesota Supreme Court. By Order dated August 16, 1989, the petition was denied. Ms. Stevens then filed a petition for reconsideration on August 22, 1989, which was denied on August 20, 1989.

8. In December, 1988, Ms. Stevens was admitted to the University of Minnesota Hospital's psychiatric unit and diagnosed as suffering from major

depressive disorder. She was treated as an in-patient and released from the hospital in January, 1989.

9. From January, 1989 until the present, Ms. Stevens was, and continues to be, treated on an outpatient basis for intermittent episodes of depression through a combination of psychotherapy and psychopharmaceutical.

10. Dr. Thomas Keul, Ms. Stevens' treating psychiatrist, testified that Ms. Stevens may have suffered from a depressive disorder as long ago as 1976, and that she was suffering from that disorder when hospitalized in 1988. He testified that the disorder is characterized by difficulty making decisions, difficulty collecting thoughts, withdrawal from daily activities, and withdrawal from conflict. Dr. Keul testified that Ms. Stevens' symptoms of

depression abated in the summer of 1990, in response to regular treatment with the drug Prozac.

12. The written report of the Board's expert psychiatrist, Dr. Jane McNaught Stageberg, confirmed that Ms. Stevens' prior misconduct was not caused by or attributable to her mental illness.

13. Ms. Stevens was the victim of physically and psychologically abusive marital relationships. No evidence was presented which tended to show that Ms. Stevens' misrepresentation or vexatious litigation were caused by such victimization.

14. From February, 1988 until June, 1989, Ms. Stevens was employed full-time, and later part-time, as an instructor of insurance law for Securities Training Corporation in Minneapolis. From September, 1989 until May, 1990, she was

employed as an attorney advisor at the Minneapolis office of the Social Security Administration's Office of Hearings and Appeals. She was unemployed from May, 1990 to approximately June, 1991, when she began employment as a legal assistant in the White Bear Lake law office of her husband, Larry Stevens.

15. On April 25, 1991, during a period in which she was unemployed, Ms. Stevens filed a petition for Chapter 7 bankruptcy in the United States Bankruptcy Court of the District of Minnesota.

16. In her petition for bankruptcy, Ms. Stevens listed a number of debts, the non-payment of which was cited in the 1988 Board Findings as evidence of Ms. Stevens' neglect of financial obligations. These debts included a $2,308 debt arising from guardian ad litem fees which had been reduced to judgment, a divorce mediation

fees judgment for $300, a $3,800 judgment for attorneys' fees ordered by the Honorable Harry McLaughlin as sanctions in federal court lawsuit in which she was a plaintiff, student loans in the amount of $11,198, and federal taxes int he amount of $13,000.

17. In her petition for bankruptcy, Ms. Stevens listed a debt to Mastercard in the amount of $5,847 for goods and cash advances incurred during the period in 1988 to 1991.

18. On August 6, 1991, Ms. Stevens obtained a discharge of financial obligations totalling $174,849.76

19. On September 23, 1991, one month after the discharge in bankruptcy, and following the three-year period prescribed in Minnesota Board of Law Examiners; Rule VIIIB, Ms. Stevens re-applied for

admission to the Bar of Minnesota.[2] The following reasons for denial were set forth in the adverse determination letter issued by the office of the Board of Law Examiners and dated April 8, 1992:

1. It has been determined that you have not provided adequate evidence of reform and rehabilitation with respect to the misconduct detailed in the Findings of Judge Zimmerman (adopted by the Board of Law Examiners in it 1988 decision), specifically, with respect to Findings numbered 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 20.

2. You have made false or misleading statements and omissions on your September, 1991 Application to the Bar of Minnesota, and in subsequent correspondence to the Board of Law Examiners including your continued denial that you have engaged in misconduct or engaged in frivolous and vexatious litigation, or violated court orders, despite judicial findings of such misconduct."

20. Ms. Stevens denied having made

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[2]Prior to submitting her application, Ms. Stevens requested and was denied a waiver of the Board's requirement that she retake and pass the Minnesota Bar Examination.

misrepresentations to the Board's Character and Fitness Committee regarding the status of two debts which were the subject of Findings #7 and #8 in the 1988 Findings.

21. Ms. Stevens testified that her counterclaim in the matter Johnson v. Hansen, which formed that basis for Finding #9 in the 1988 Findings, still has not been dismissed.

22. Findings #10 and #11 of the 1988 Findings addressed Ms. Stevens' misrepresentations on her 1987 application regarding her roles in Johnson v. Hansen and Schrader v. Hansen. In her 1991 application, she dropped the word "superfluous", but described her involvement in the lawsuit merely as a defendant in lawsuits against her husband. Her testimony shows that she continues to fail to acknowledge her personal legal

responsibility for the debts at issue in those lawsuits, her active pro se involvement in the litigation, the impropriety of her use of a baseless counterclaim in Johnson v. Hansen, and the impropriety of her continuing failure to dismiss that counter-claim.

23. Finding #13 through #18 and #20 of the 1988 Findings addressed numerous court findings of Stevens' abusive, frivolous, and vexatious litigation and misrepresentations to courts. Through her testimony, Ms. Stevens continued to deny the propriety of those Findings, but offered no other evidence to support such denial.

24. Upon specific and repeated inquiry form the Board, Ms. Stevens testified that having filed bankruptcy, she did not recognize or acknowledge any legal or ethical obligation to pay or make

arrangements to pay the court-ordered judgments, nor did she recognize that court-ordered debts should have greater priority than any other debts.

25. In her testimony before the Board, Ms. Stevens stated that the debts discharged in bankruptcy arose form pre-1988 obligations.

26. Ms. Stevens testified that misrepresentations she make on her 1991 application to the Board were de minimis and further that the Board was on notice regarding the misconduct matters she did not list.

27. Ms. Stevens' testimony shows that she continues to place blame for her past actions on persons other than herself including judges before whom she has appeared, former spouses, former attorneys, and members of this Board.

28. Ms. Stevens' testimony before

the Board, as well as the memoranda filed with the Board in conjunction with this matter, demonstrate her continued contempt and lack of respect for judicial decision makers and the finality of courts' decisions.

29. Through specific and repeated questioning by the Board and the Board's counsel, the Board has fully considered her statements of excuse, explanation, or justification for the acts and misconduct which were basis of the 1988 Findings and finds that they are neither persuasive nor relevant to the determination of reform and rehabilitation since the 1988 Findings were made.

30. Ms. Stevens' testimony relative to her rehabilitation since 1988 was contradictory, lacking in credibility, and unpersuasive.

31. The testimony of Ms. Stevens'

character witnesses showed that they were unfamiliar with the misconduct detailed in the 1988 Findings, and failed to prove that she had undergone any significant change in character since the 1988 Findings.

CONCLUSIONS OF LAW

1. Peggy Lynn Stevens has failed to establish through her own testimony, through that of character witnesses, or through the documentary evidence presented that she is reformed and rehabilitated, and that she possesses the requisite character and fitness to be admitted to practice law in the State of Minnesota.

2. Should Ms. Stevens at some future time establish the requisite character and fitness for admission, the lapse of time

since the conclusion of her legal education and her successful bar examination justifies the requirement that she again take and pass the bar examination prior to admission.

DETERMINATION

The application of Peggy Lynn Stevens for admission to the Minnesota State Bar is denied.

MINNESOTA STATE BOARD OF LAW EXAMINERS

BY _____
John D. Kelly
President

Dated: _____

MEMORANDUM

Peggy Lynn Stevens has submitted evidence that she has suffered form serious depression for many years, and that she has been the victim of abusive relationships, all of which she claims

explains and/or excuses her prior actions. The evidence supports a finding that Ms. Stevens has in the past suffered from serious mental health problems, that she has received treatment for such mental health problems, and that her condition today is much improved over her prior mental state. However, neither Ms. Stevens' mental health problems nor her marital problems are dispositive of the problems with her application, or her problems dealing with the courts or this Board.

In 1988, Judge Miles Zimmerman, acting as Hearing Examiner in the matter, made numerous specific findings of misconduct on the part of Ms. Stevens. In the 1992 proceedings, Ms. Stevens has commented extensively upon the earlier Findings of the Board, as well as the merits of the underlying suits and

proceedings that were examined by the Board. In large part, Ms. Stevens' position is unchanged with respect to the events giving rise to the first adverse determination by the Board. She continues to blame others for the events leading up to the denial of her application, and to portray herself as an innocent victim who acted only out of salutary motive. Her conduct has not changed in kind from that previously observed and her explanations still do not bear scrutiny.

Rather than providing evidence of reform and rehabilitation during the period 1988 to 1992, Ms. Stevens has insisted upon revisiting matters which were heard and decided in 1988. There is no basis from the evidence and testimony presented in 1992 to conclude either that the 1988 Findings were mad in error, or that Ms. Stevens has changed.

Ms. Stevens' evidence intended to illustrate rehabilitation and reform with respect to the Board's previous Findings of misconduct consists primarily of evidence of her discharge of debts in bankruptcy and her psychiatric treatment. The fact that she filed bankruptcy shortly before reapplying for admission to the Bar, resulting in the discharge of responsibility to pay student loans, court-ordered obligations, and taxes, without any consideration for underlying professional or ethical obligations to abide by court orders, demonstrates a continuing neglect of financial responsibilities and disrespect for the judiciary.

Despite numerous Court findings of misconduct in litigation, Stevens denies such misconduct or attempts to justify it as her right as a mother, or as an

emotional decision, or as a fluke of circumstance. In fact, Ms. Stevens demonstrated at the hearing, and in the various memoranda submitted to this Board, contempt and disrespect for decision makers with whom she disagrees. Her unwillingness to accept adverse decisions exceeds acceptable parameters of dissent.

Ms. Stevens is not a novice. She is a lawyer admitted in the State of Florida, who has a fair amount of litigation experience. Yet she continues to fail to acknowledge her role in a number of lawsuits as anything more than that of an incidental party. Of greater concern, she continues to demonstrate an insistence upon putting herself beyond the legal requirements of the courts. Her testimony and her memoranda to this Board demonstrate her inability, or refusal, to recognize the final and binding nature of

a court's findings.

"Good character" as a requirement for admission to the Bar is defined as "traits that are relevant to and have a rational connection with the present fitness or capacity of the applicant to practice law." Definition 4, Minn. R. Admis. Bar (1986). The "Standard of Character and Fitness", as adopted by the Minnesota Supreme Court, provides that:

> An attorney should be one whose record of conduct justifies the trust of clients, adversaries, courts, and others with respect to the professional duties owed to them. A record manifesting a significant deficiency in an applicant may constitute a basis for denial of admission.

The Applicant has failed to establish that she meets this standard.

JDK

MINNESOTA STATE BOARD OF LAW EXAMINERS

In Re:

Application of PEGGY LYNN MYRUM, Applicant.

HEARING EXAMINER'S FINDINGS OF FACT AND RECOMMENDATION

Applicant No. 28054

This matter came on for hearing before the undersigned, a specially-appointed hearing examiner for the Minnesota State Board of Law Examiners, on the 18th day of October, 1988. Eric J. Magnuson, Esq., appeared on behalf of the Minnesota State Board of Law Examiners, and Donald R. Betzold appeared on behalf of the applicant Peggy Lynn Myrum. Having been fully apprised of the premises and based upon the hearing memoranda submitted by the parties, the evidence and witnesses introduced at the hearing, the arguments

of counsel, and all of the records and proceedings herein, the hearing examiner makes the following Findings of Fact and Recommendation to the Minnesota State Board of Law Examiners pursuant to Rules 104(B) and 104(D) of the Rules of the State Board of Law Examiners for Admission to the Bar:

FINDINGS OF FACT

(1) Peggy Lynn Myrum graduated from William Mitchell College of Law on June 9, 1985.

(2) Peggy Lynn Myrum applied for admission to the Minnesota Bar in 1985. That application was later withdrawn.

(3) Peggy Lynn Myrum applied for admission to the Florida Bar in 1986.

(4) Peggy Lynn Myrum was admitted tot he Bar in Florida in January, 1988.

(5) Peggy Lynn Myrum applied for admission to the Minnesota State Bar in

1987.

(6) Peggy Lynn Myrum was interview by the Character and Fitness Committee of the Minnesota Board of Law Examiners on September 11, 1987.

(7) Peggy Lynn Myrum represented to the Character and Fitness Committee that a $20,000 debt owed to Central & Lowry Credit had been resolved by an agreement between the parties. In fact, the debt is still outstanding and had not been resolved.

(8) Peggy Lynn Myrum represented to the Character and Fitness Committee that some of her student loans were in deferral. In fact, she is in default on student loans owed to HEAF and California Western School of Law.

(9) Peggy Lynn Myrum represented to the Board of Law Examiners in her 1987 application for admission that the Ramsey

County District Court lawsuit Johnson v. Hansen would be dismissed. In fact, that lawsuit is still pending.

(10) Peggy Lynn Myrum misrepresented tot he Board of Law Examiners on her 1987 application her role in the Johnson v. Hansen lawsuit. She represented herself as a superfluous defendant in the creditor's lawsuit against her former husband. In fact, she was an active pro se party in the lawsuit who asserted fifteen separate defenses and counterclaims for an amount in excess of $170,000.

(11) Peggy Lynn Myrum also misrepresented to the Board of Law Examiners on her 1987 application her role in the Hennepin County District Court litigation entitled Schrader v. Hansen. Once again, she represented herself as superfluous defendant when, in fact, she

was an active pro se party who had been sued because she had personally guaranteed corporate obligations.

(12) Peggy Lynn Myrum misrepresented in her July, 1985 application to the Board of Law Examiners that her 1983 Minnesota income tax delinquency would be paid in 30 to 60 days. In fact, that tax has still not yet been paid.

(13) During a long and protracted custody battle with her former husband Duane Hansen (Hansen v. Hansen, Hennepin County District Court File No. 77627), Peggy Lynn Myrum was repeatedly criticized for pursuing unnecessary and frivolous motions and lawsuits.

(14) The Minnesota Court of Appeals, in Tieso v. Hansen, 349 N.W.2d 863, 865 (Minn. Ct. App. 1984), criticized her for a "plethora of vexatious motions, suits and appeals." The Court of Appeals also

criticized her misrepresentations before the Family Court regarding her marital status, household stability, and intentions to stay in the State of Minnesota.

(15) Peggy Lynn Myrum filed a frivolous Section 1983 lawsuit in United States District Court against Hennepin County, the Department of Court Services, a number of Hennepin County employees, her ex-husband, her ex-husbands wife, her present husband's ex-wife, and her present husband's ex-wife's husband, entitled Tieso v. Hennepin County, et al., No. 4-84-1305.

(16) In Tieso v. Hennepin County, et al., Peggy Lynn Myrum was censured by the Honorable Judge Harry H. MacLaughlin for outrageous and egregious conduct.

(17) In Tieso v. Hennepin County, et al., Peggy Lynn Myrum had fees assessed

against her personally by the Honorable Harry H. MacLaughlin for pursuing a vexatious, frivolous, and harassing lawsuit.

(18) The fee award made by the Honorable Harry H. MacLaughlin was later increased on April 16, 1986 due to Peggy Lynn Myrum's bad faith attempts to circumvent the collection efforts of her creditors.

(19) Peggy Lynn Myrum has continued to ignore the court orders to pay attorneys' fees in the Tieso v. Hennepin County, et al. lawsuit.

(20) Even though those fees were assessed in Tieso v. Hennepin County, et al., by the Honorable Judge Harry H. MacLaughlin, Peggy Lynn Myrum asserted in her Florida Bar application that she "protests that debt."

(21) Peggy Lynn Myrum has ignored

court orders to pay guardian ad litem fees arising out of her divorce for Duane Hansen.

(22) Peggy Lynn Myrum had ignored court orders to pay psychologist's fees arising out of her divorce from Duane Hansen.

(23) Peggy Lynn Myrum has ignored court orders to cooperate with a custody investigation by the Department of Court Services in Hennepin County.

(24) Peggy Lynn Myrum has shown contempt for orders of courts.

(25) Peggy Lynn Myrum has shown dishonesty and disregard for the rights of others by divorcing Robert Tieso solely for the purpose of avoiding creditors.

(26) Peggy Lynn Myrum is in default $15,000 on a mortgage balloon payment due to John and Barbara Cretzmayer.

(27) Peggy Lynn Myrum is in default

on a $20,000 debt to Central & Lowry Credit.

(28) Peggy Lynn Myrum is in default on a $5,500 debt to Advent Custom Homes.

(29) Peggy Lynn Myrum has shown a history of default or delinquent payment of her debts.

(30) Peggy Lynn Myrum has failed to present any plans or intentions of repaying her debts.

(31) The Minnesota Board of Law Examiners has established Character and Fitness standards to determine whether applicants should be admitted to the Minnesota Bar.

(32) Under the standards, relevant conduct includes acts involving dishonesty, fraud, deceit or misrepresentations and deceits upon the Board and courts of the State of Minnesota. She has also shown dishonesty

toward her creditors.

(33) Under the standards, relevant conduct includes abuse of legal process, including the filing of vexatious lawsuits. Peggy Lynn Myrum has been criticized and sanctioned for her use of vexatious, frivolous and harassing lawsuits.

(34) Under the standards, relevant conduct includes neglect of financial responsibilities. Peggy Lynn Myrum has shown neglect for her financial responsibilities including default on state and federal taxes, student loans, judgment debts, and various consumer debts.

(35) Under the standards, relevant conduct includes neglect of professional obligations. For the activities undertaken jointly by Peggy Lynn Myrum and Robert Tieso in Tieso v. Hennepin County,

et al., Peggy Lynn Myrum's then-husband (and lawyer) Robert Tieso was suspended from the practice of law. Had Peggy Lynn Myrum been admitted she would likely have been disciplined as well.

(36) Under the standards, relevant conduct includes violation of an order of a court. Peggy Lynn Myrum has violated court orders to pay attorneys' fees, cooperate with a Department of Court Services investigation, pay guardian ad litem fees, and pay court-appointed psychologist's fees.

(37) Under the standards, relevant conduct includes disciplinary action. Again, had Peggy Lynn Myrum been admitted she would have likely been disciplined as was Robert Tieso for their joint activities in Tieso v. Hennepin County, et al..

(38) The Board of Law Examiners also

have enumerated a number of factors to be considered in assigning weight and significance to prior conduct. These factors weigh against Peggy Lynn Myrum's admission to the Bar in the State of Minnesota.

(39) The factors to be considered include age at the time of the conduct. Peggy Lynn Myrum's conduct described above was done while she was an adult, and much of it was done while she was either in law school or under consideration for admission to the Board of the states of Florida or Minnesota.

(40) The factors to be considered include recency of the conduct. Peggy Lynn Myrum's conduct has been very recent and continuing up until the present.

(41) The factors to be considered include reliability of the information concerning the conduct. The information

indicating Peggy Lynn Myrum's abuse of the legal process, neglect of financial responsibilities, and violations of court orders is found either in court orders, decisions and transcripts, or has been admitted by her.

(42) The factors to be considered include seriousness of the conduct. Peggy Lynn Myrum's conduct has been serious enough to warrant sanctions and censures form judges and result in her then-husband's suspension from the practice of law.

(43) The factors to be considered include the cumulative effect of the conduct. The cumulative effect of unnecessary motionsis one of the factors specifically stated by the court as indicating Peggy Lynn Myrum's bad faith.

(44) The factors to be considered include evidence of rehabilitation.

Peggy Lynn Myrum's lack of concern about her unpaid debts tends to indicate that no rehabilitation has taken place.

(45) The factors to be considered include candor in the admissions process. Peggy Lynn Myrum has been less than candid in the admissions process.

(46) The factors to be considered include materiality of omissions and representations. Materiality of omissions and misrepresentations made to the courts were sufficiently egregious to be discussed by the Court of Appeals in its published decision.

(47) The basic standards by which good moral character is determined is honesty, trustworthiness, diligence, and reliability.

(48) In Minnesota, the burden is on the applicant to prove good moral character and fitness to practice law.

CONCLUSION

(1) Peggy Lynn Myrum has failed to establish her good moral character and fitness to practice law in the State of Minnesota.

RECOMMENDATION

(1) The application of Peggy Lynn Myrum for admission to the Minnesota Bar should be denied.

DATED: November 3, 1988

By: _____
Miles Zimmerman

MEMORANDUM

Counsel for the Board of Law Examiners has done an excellent job of stating its position in its Pretrial Memorandum. The Court adopts this

Memorandum in its entirety as part of its Finding herein. The facts are stated as they developed in the hearing.

Only one character witness was offered by applicant. This was her present employer where she trains people to take examinations for licensing in the insurance and securities field. Working full time she makes $20,000 per year. At present she works only part time. Her employer found her to be reliable and cooperative, always willing to work. He know nothing of her problems.

Applicant has made no effort at rehabilitation nor does she accept blame for the situation she finds herself in. She accuses her first husband of harassment of her in the child custody proceedings. She says the courts, and court related systems do not understand that this harassment was taking place.

Most of her problems in the litigation in which she was involved she blames on the actions of her husband and other attorneys. This caused her such anguish that she acted in desperation and she is not really accountable she claims. She generates a great deal of sympathy in recruiting her problems but her explanations simply do not bear scrutiny. Plainly put, she is not a credible witness.

Miles B. Zimmerman
Hearing Examiner

THE SUPREME COURT OF MINNESOTA

BOARD OF LAW EXAMINERS
BOARD CONTINUING LEGAL EDUCATION
BOARD OF LEGAL CERTIFICATION

200 South Robert Street, Suite 310
St. Paul, Minnesota 55107 * (612) 297-1800

Margaret Fuller Corneille, Esq., Director

March 31, 1988

Ms. Peggy Lynn Myrum
560 3rd Avenue NW
New Brighton, MN 55112

Dear Ms. Myrum:

The Board of Law Examiners met on March 25, 1988 and considered your application for admission to the bar of Minnesota. Based upon the information provided by you to the Board as well as the information contained in the investigative report prepared by the Florida Board of Bar Examiners, the Board recommended that you not be admitted to the Bar of Minnesota due a failure to show good character and fitness to practice law as is required by Board Rule IIA(2).

This adverse determination is make as a result of the Board's investigation and conclusions that:

1.) you have misused the judicial system by filing vexatious and frivolous lawsuits and motions;

2.) you have misrepresented facts to this Board, to courts and to individuals with whom you have had financial dealings;

3.) you have established a pattern of financial irresponsibility which includes a failure to pay taxes, to pay consumer debt, to pay student loans.

The Board of Law Examiners Rule 104B provides that you may make a written request for formal hearing within 20 days of receipt of this notification of adverse determination. Should you choose to request a formal hearing, you have the right to be represented by counsel, and to present witnesses and written evidence.

Sincerely,

Margaret Fuller Corneille
Director

MFC:vas

STATE OF MINNESOTA

IN SUPREME COURT

C2-89-139

In Re Petition of Peggy Lynn Stevens, f/k/a Peggy Lynn Myrum, for Review of the State Board of Law Examiners Decision.

Donald R. Betzold
6160 Summit Drive North
Suite 425
Brooklyn Center, MN 55430

Rider, Bennett, Egan & Arundel
Eric J. Magnuson
Jonathan N. Jasper
2000 Lincoln Centre
333 South Seventh Street
Minneapolis, Minnesota 55402

Considered and decided by the court en banc without oral argument.

O R D E R

Based upon all files, records and proceedings herein,

IT IS HEREBY ORDERED that this matter has been considered on the en banc nonoral calendar and that the petition for

admission to the Minnesota State Bar by Peggy Lynn Stevens f/k/a Peggy Lynn Myrum be, and the same is, denied.

Dated: August 16, 1989

BY THE COURT:

_____

John E. Simonett
Associate Justice

STATE OF MINNESOTA

IN SUPREME COURT

C2-89-139

In Re Petition of Peggy Lynn Stevens, f/k/a Peggy Lynn Myrum, for Review of the State Board of Law Examiners Decision.

O R D E R

Based upon all files, records and proceedings herein,

IT IS HEREBY ORDERED that Peggy Lynn Stevens f/k/a Peggy Lynn Myrum's petition for reconsideration be, and the same is denied.

Dated: August 30, 1989

BY THE COURT:
s/John E. Simonett
Associate Justice

THE SUPREME COURT OF MINNESOTA

BOARD OF LAW EXAMINERS
BOARD CONTINUING LEGAL EDUCATION
BOARD OF LEGAL CERTIFICATION

One West Water Street, Suite 250
St. Paul, Minnesota 55107 * (612) 297-1800 * FAX (612) 296-5866

Margaret Fuller Corneille, Esq., Director

April 8, 1992

PERSONAL & CONFIDENTIAL

CERTIFIED MAIL - RETURN RECEIPT REQUESTED
P 289 842 878

Ms. Peggy Stevens
501 Robert Street
Mahtomedi, MN 55115

Dear Ms. Stevens:

You are hereby advised that the Minnesota Board of Law Examiners has made an initial determination not to recommend your admission to the bar of Minnesota.

Although this decision constitutes an adverse determination pursuant to Board Rule 104B of the Rules of the Minnesota Board of Law Examiners, you have the right to a full and impartial hearing before a final determination is rendered.

This adverse determination is based upon information provided in your application, information provided in subsequent correspondence with this office, and additional information obtained as a result of the background investigation conducted in connection with your application.

The matters upon which the determination was make include the following:

1. It has been determined that you have not provided adequate evidence of reform and rehabilitation with respect to the misconduct detailed in the Findings of Judge Zimmerman (adopted by the Board of Law Examiners in its 1988 decision), specifically, with respect to Findings numbered 7, 8, 9, 10, 11, 13, 14, 15, 16, 17, 18, and 20.

2. You have made false or misleading statements and omissions on your September, 1991 Application to the Bar of Minnesota, and in subsequent correspondence to the Board of Law Examiners including, your continued denial that you have engaged in misconduct or engaged in frivolous and vexatious litigation, or violated court orders, despite judicial findings of such misconduct.

Based upon the foregoing, the Board concluded that your record of conduct does not justify the trust of clients, adversaries, courts and others with respect to the professional duties owed to

them by a member of the legal profession.

You may, within twenty (20) days of receipt of this notification, make a written request for a formal hearing appealing this adverse determination. Such hearing is a confidential proceeding, which will be held before the full Board, and will be scheduled expeditiously at your request.

You are urged to seek representation by counsel. Should you request a formal hearing, you will be provided a full opportunity to offer your personal testimony, present witnesses and written evidence in support of you application, and to demonstrate your current fitness for admission. Following the hearing, the Board will issue written findings of fact, conclusions of law and a determination.

Enclosed you will find a copy of the Rules of the Minnesota Board of Law Examiners. If you have questions regarding this decision, or the procedures associated with the appeal process, you may contact the undersigned.

Very truly yours,

MINNESOTA BOARD OF LAW EXAMINERS

Margaret Fuller Corneille
Director

MFC:DLG
Enclosure

STATE OF MINNESOTA

IN SUPREME COURT

CX-92-2120

In Re Petition for Admission
to the Minnesota State Bar by
Peggy Lynn Stevens f/k/a
Peggy Lynn Myrum.

Donald R. Betzold
6160 Summit Drive North
Suite 425
Brooklyn Center, MN 55430

Rider, Bennett, Egan & Arundel
Eric J. Magnuson
Jonathan N. Jasper
2000 Lincoln Centre
333 South Seventh Street
Minneapolis, Minnesota 55402

Considered and decided by the court en banc without oral argument.

O R D E R

Based upon all files, records and proceedings herein,

IT IS HEREBY ORDERED that the decision of the Board of Law Examiners denying the application of Peggy Lynn

Stevens for admission to the Minnesota bar, be, and the same is, affirmed.

Dated: April 20, 1993

BY THE COURT:

s/A.M. Keith
Chief Justice

STATE OF MINNESOTA

IN SUPREME COURT

C2-89-139

In Re Petition of Peggy Lynn Stevens for Review of the Decision of the Board of Law Examiners.

O R D E R

Based upon all files, records and proceedings herein,

IT IS HEREBY ORDERED that Peggy Lynn Stevens' petition for rehearing is denied.

Dated: June 9, 1993

BY THE COURT:

s/A.M. Keith
Chief Justice